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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,982	12/28/2005	Emmanuel Bourgeois	Serie 6335	3545
40582	7590	11/29/2007		
AIR LIQUIDE Intellectual Property 2700 POST OAK BOULEVARD, SUITE 1800 HOUSTON, TX 77056			EXAMINER NIESZ, JASON KAROL	
			ART UNIT 4147	PAPER NUMBER
			MAIL DATE 11/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/562,982

**Applicant(s)**

BOURGEOIS ET AL.

**Examiner**

Jason K. Niesz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/309)
- Paper No(s)/Mail Date 12/28/2005
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 12/28/2005 is being considered by the examiner.

### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 8 recites "the system of claim 5, wherein the cryogenic fluid is a gas from the air." The specification should be amended to provide antecedent basis for this material or the claim should be cancelled.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5, 6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer (US Patent 6,216,719 B1).
6. In Re claim 5, with reference to Figure 2, Meyer discloses a system for the transfer of pressurized fluids comprising:

- A pressurized fluid supply pump (56) (Column 4, lines 39-41) that can be connected via a filling hose (72) (Column 4, lines 55-57) to a fluid inlet (78) of the storage tank (74) (Column 4, lines 61-63) and
- A pump control unit (92) (Column 5, lines 58-60) and
- A pressure sensor (90) (Column 5, lines 4-5) that can be connected to a pressure tapping (Column 4, line 66 through Column 5, line 1) of the storage tank. The examiner notes that an "an opening therethrough (sic) to which will be attached a small quarter inch pressure hose" constitutes a pressure tapping. The examiner further notes that a pressure tapping located at the hose coupling (86) is functionally equivalent to a pressure tapping on the storage tank.
- Programmable logic (Column 8, lines 47-57).

7. In Re claim 6, with reference to Figure 2, Meyer discloses a hose (88) (Column 5 line 4) that can be connected selectively to the pressure tapping of the storage tank.

The examiner notes that, in the interest of replacement or repair, the hose (88) disclosed in Meyer would not be permanently attached to the hose coupling (84) and is therefore connected selectively.

8. In Re claim 8, Meyer discloses that the fluid is a gas from the air (Column 1, line 18). The examiner notes that carbon dioxide is a gas from the air.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer as applied to claim 5 and 8 above in view of Berrettini et al (US Patent 4,805,672).

11. In Re claim 5, To the extent Applicant disagrees that Meyer discloses the pressure sensor that can be connected to a pressure tapping of the storage tank, the Berrettini et al. reference in Figure 1 discloses a pressure sensor (19) (Column 2, lines 64-67) connected to a pressure tapping (16) (Column 2, lines 52-53 & lines 66-67) of the tank in question. To the extent Applicant disagrees that Meyer discloses programmable logic allowing the pump to operate when the pressure in the storage tank lies within a predetermined range the Berrettini reference also discloses programmable logic allowing the pump to operate when the pressure measured in the storage tank lies within a predetermined range (Column 3 lines 33-44). The examiner notes that closing off the supply pipe has the same effect as not allowing the pump to operate. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pressurized fluid transfer system in Meyer with a the pressure tapping and programmable logic from Berrettini in order to add overflow protection to the safety features provided by Meyer.

12. In Re claim 6, to the extent Applicant disagrees that Meyer discloses a control unit connected to a secondary hose that can be connected selectively to the pressure tapping of the storage tank, Berrettini discloses a pressure tapping connected selectively to a controller (Column 3, lines 7-10 and 17). Therefore, it would have been

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obvious to one having ordinary skill in the art at the time the invention was made to modify the pressure hose in Meyer (Figure 2, 88) with the detachable coupling from Berrettini in order to facilitate system setup and repair, as well as, In the modified system discussed in ¶ 11 above, to allow the mobile filling system to be rapidly attached to the stationary storage container.

13. In Re claim 8, Meyer discloses that the fluid is a gas from the air (Column 1, line 18). The examiner notes that carbon dioxide is a gas from the air.

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer in view of Berrettini as applied to claim 5 above and in further view of Cowen (US Patent 5,062,417).

15. In Re claim 7, Meyer in view of Berrettini discloses the claimed invention except that the filling hose comprises a manually-disengageable (sic) non-return valve device. However, Cowen discloses an inline check valve that can be manually disengaged (Column 2, lines 21-25). The examiner notes that those of ordinary skill in the art commonly refer to a non-return valve device as a check valve. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fill hose in Meyer (Figure 2, 72) with the manually disengageable (sic) check valve from Cowen in order to regulate the movement of the fluid during transfer and then to remove excess fluid from the hose after transfer is complete.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References not applied to claimed subject matter were used to establish the state of the art at or before the time of the invention.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason K. Niesz whose telephone number is (571) 270-3920. The examiner can normally be reached on mon-fri 9-4.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on (571) 272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason K Niesz  
Examiner  
Art Unit 4147

J.N.

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/George Nguyen/

Supervisory Patent Examiner, Art Unit 4147